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**FILED**

DISTRICT COURT OF GUAM

JAN 29 2007 *nbl*

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | CRIMINAL CASE NO. 06-00110 |
|                           | ) |                            |
| Plaintiff,                | ) |                            |
|                           | ) | <b>MOTION TO DISMISS</b>   |
| vs.                       | ) | <b>INFORMATION</b>         |
|                           | ) |                            |
| RAFEL NESBITT,            | ) |                            |
|                           | ) |                            |
| Defendant.                | ) |                            |

COMES NOW the plaintiff, United States of America, by and through its undersigned attorney, and moves that the Information in the above cause against defendant, RAFEL NESBITT, be dismissed, without prejudice, for the reason that the defendant has been charged by an Information in Magistrate Case No. 07- 00007.

Respectfully submitted this 26th day of January 2007.

LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

By:

*Ryan M. Anderson*  
RYAN M. ANDERSON  
Special Assistant U.S. Attorney